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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,685	01/16/2004	Andrew C. Scott	D5398	8601

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EXAMINER

ENGLE, PATRICIA LYNN

ART UNIT	PAPER NUMBER
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3612

DATE MAILED: 12/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/759,685

Applicant(s)

SCOTT ET AL.

Examiner

Patricia L Engle

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 January 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/11/04.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Gobessi et al. (US Patent 6,276,748).

Regarding claim 1, Gobessi et al. disclose a mobile highway tractor, comprising: a chassis with a driver's cab (10) engaged; a sleeper compartment (Fig. 2) engaged to said cab (10) and said chassis; said sleeper compartment having side walls (301,307); said sleeper side walls comprised of an exterior side panel (Fig. 9 and column 6, lines 20-21); said exterior side panel engaged to an integrated reinforcement and interior trim panel (Fig. 9 and column 6, lines 15-20) and said integrated reinforcement and interior trim panel comprised of a plastic-metal (plastic- column 6, line 25, metal- column 6, line 22) hybrid material.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 2-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gobessi et al. in view of Charbonnel (US Patent 6,761,395, printed as US2003/0227195 on Dec. 11, 2003).

Regarding claims 2, 6, 13 and 15, Gobessi et al. disclose the highway tractor of claim 1 and that the interior structure could include a support channel (column 6, line19-20). Gobessi et al. do not disclose that the interior panel includes plastic injection molded V-shaped reinforcing and support ribs. Regarding claim 9, Gobessi et al. disclose openings in the exterior panel (309). It would have been inherent that the opening would have gone through the interior panel and the reinforcement as the opening is a window. Gobessi et al. do not specifically disclose that the opening includes support frames around it.

Charbonnel disclose a vehicle structure in which metal frame components are joined by plastic injection molded reinforcements with V-shaped ribs (claims 2, 6, 9, 13 and 15). Regarding claims 4 and 7, Charbonnel discloses engagement locations (16) for engaging the plastic structure to the metal structure.

Gobessi et al. and Charbonnel are analogous art because they are from a similar problem solving area, i.e., plastic-metal hybrid components of a vehicle.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to join the framing elements to the reinforcement by plastic injection molding and to make the reinforcement include V-shaped support ribs.

The motivation would have been join the framing elements to the interior panel in a lightweight and secure manner.

Therefore, it would have been obvious to combine Charbonnel with Gobessi et al. to obtain the invention as specified in claims 2, 4, 6, 7, 9, 13, 15.

Regarding claim 3, MPEP 2113 Product-by-Process Claims states that "If the product in the product-by-process claim is that same as or obvious from a product of the prior art, the claim is unpatentable even though the prior art product was made by a different process." The plastic-metal hybrid panel is anticipated by Gobessi et al. as modified. The process by which the plastic-metal hybrid is formed is not a patentable distinction.

Regarding claims 5, 8, 14 and 16, Gobessi et al. as modified do not disclose that the interior panel is steel and the plastic is partially crystalline plastic. It would have been obvious to one of ordinary skill in the art at the time of the invention to use steel and partially crystalline plastic, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use.

Regarding claim 10, Gobessi et al. do not specifically disclose that the interior panel includes an interior trim surface and sleep cabinetry mounting on the surface. It would have been obvious to one of ordinary skill in the art at the time of the invention to make the interior

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panel the interior surface and to allow mounting of cabinetry on the surface. The motivation would have been to reduce the number of manufacturing steps. The motivation for mounting the cabinetry would have been to allow the sleeper cab to have storage space.

Regarding claim 11 and 12, Gobessi et al. disclose that the reinforcement is an insulating material.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art discloses other vehicle sleeper panels and other plastic metal hybrid structures.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patricia L Engle whose telephone number is (703) 306-5777. The examiner can normally be reached on Monday - Friday from 8:00 to 4:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, D. Glenn Dayoan can be reached on (703) 308-3102. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read "Patricia L. Engle". The signature is fluid and cursive, with the first name "Patricia" and last name "Engle" clearly distinguishable.

Patricia L Engle
Primary Examiner
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December 16, 2004